



**US Army Corps
of Engineers®**

Public Notice

Public Notice No. **05-84-A**

Date: **February 10, 2006**

Nashville District

Application No. **200501976**

Expiration Date: **March 12, 2006**

37214.

Please address all comments to: Nashville District Corps of Engineers,
Regulatory Branch (Attn: Richard Graham), 3701 Bell Road, Nashville, TN

Telephone (615) 369-7507, Fax (615) 369-7501.

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS
TENNESSEE VALLEY AUTHORITY
AND
STATE OF MISSISSIPPI

SUBJECT: Proposed Channel Dredging and Community Dock, Sandy Creek, Pickwick Lake, Tishomingo County, Mississippi

TO ALL CONCERNED: The project described below has been re-submitted for a Department of the Army (DA) Permit pursuant to **Section 10 of the Rivers and Harbors Act (RHA) of 1899 and Section 404 of the Clean Water Act (CWA)**, and a Tennessee Valley Authority (TVA) permit pursuant to Section 26a of the TVA Act. Before a permit can be issued, certification must be provided by the State of Mississippi, Department of Environmental Quality, pursuant to Section 401(a)(1) of the CWA, that the applicable water quality standards will not be violated. The applicant will apply for the state certification by separate application.

APPLICANT: Mark Akers
46 CR 474
Iuka, Mississippi 38852

LOCATION: Mile 1.3L, Sandy Creek, Tennessee River Mile 215.1L (Pickwick Lake), Tishomingo County, MS (USGS Quad: Doskie, MS-TN; Latitude 34 deg 59 min 39 sec; Longitude 88 deg 15 min 38 sec).

DESCRIPTION: This is a revision of a proposal which was originally advertised in Public Notice No. 05-84, dated October 14, 2005. The proposal was revised after negative comments were received from the public. The applicant proposes to subdivide a 4.74-acre tract and provide a community boat dock with lake access for the lot owners. The revised proposal would consist of dredging an area approximately 60' wide by 160' long to accommodate the proposed community dock. Additionally, a new channel approximately 40' wide by 1,986' long would be dredged parallel to and south of an existing earthen berm to connect the dock embayment to open water at winter pool. The

area would be dredged to an approximate depth of four feet using trackhoes situated on the adjacent bank, on the berm, and on pads placed adjacent to the shoreline. Side contours would approximate a 3:1 slope. The resultant spoil material would be sidecast and permanently placed on the berm, along the south side of the berm and along the shoreline, and stabilized as needed to prevent re-entry into the lake. Stabilization methods would include filter fabric, vegetative methods, riprap, and temporary containment areas. No material would be placed within adjacent wetlands. The amount of dredged material is estimated between 10,000-15,000 cubic yards. Also proposed is a 30' x 156' floating, covered community dock, containing nine boat slips, attached to the bank by a 6' x 30' walkway, and secured by spud poles. The proposal would utilize the same method which was permitted in the 1970's when a channel was dredged along the north side of the berm upon which the then spoil material was placed and stabilized. Placement and stabilization of the spoil material adjacent to the south side of the berm could create additional wildlife habitat in the area. The purpose is to provide boat moorage and year-round lake access to the lot owners. Plans of the proposed work are attached.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources.

The benefit, which reasonably may be expected to accrue from the work, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the work, will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines it to be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historical properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. An EA will be prepared by this office prior to a final decision concerning issuance or denial of the requested DA Permit.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless

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comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based on available information, the proposed work will not destroy or endanger any federally listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and, therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals required for the proposed work are as follows:

Tennessee Valley Authority (TVA) approval under Section 26a of the TVA Act. In addition to other provisions of its approval, TVA would require the applicant to employ best management practices to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts.

Water quality certification from the state of Mississippi in accordance with Section 401 (a)(1) of the Clean Water Act.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for hearings shall state, with particularity, the reasons for holding a hearing. Written statements received in this office on or before **March 12, 2006**, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attn: Richard Graham, address above, telephone (615) 369-7507, Fax (615) 369-7501. The e-mail address is richard.d.graham@lrn02.usace.army.mil. It is not necessary to comment separately to TVA since copies of all comments will be sent to that agency and will become part of its record on the proposal. However, if comments are sent to TVA, they should be mailed to TVA Pickwick-Wheeler Watershed Team, P.O. Box 1010 (SB 1H-M), Muscle Shoals, Alabama 35662-1010, telephone (256) 386-2228.

COUNCE, TENN.
35088-A3-TF-024

MARK AKERS
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EXHIBIT A

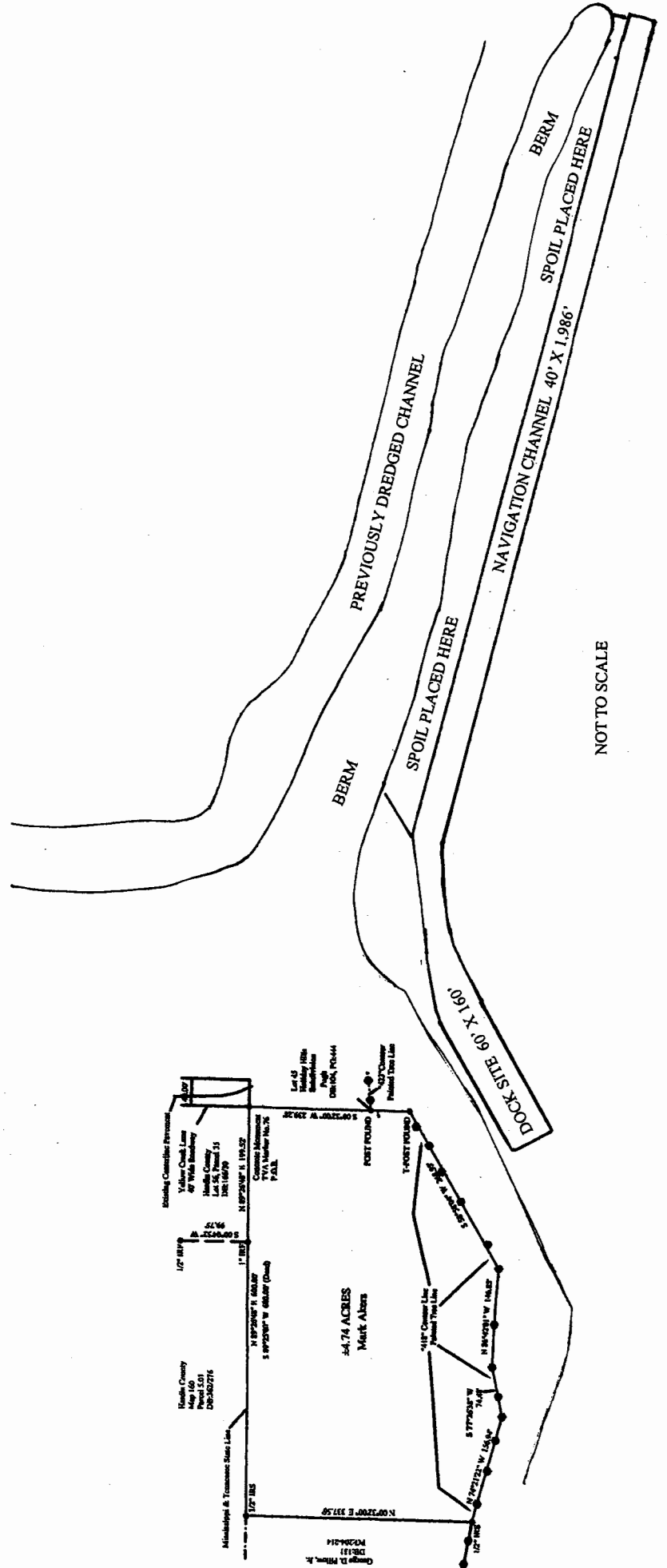
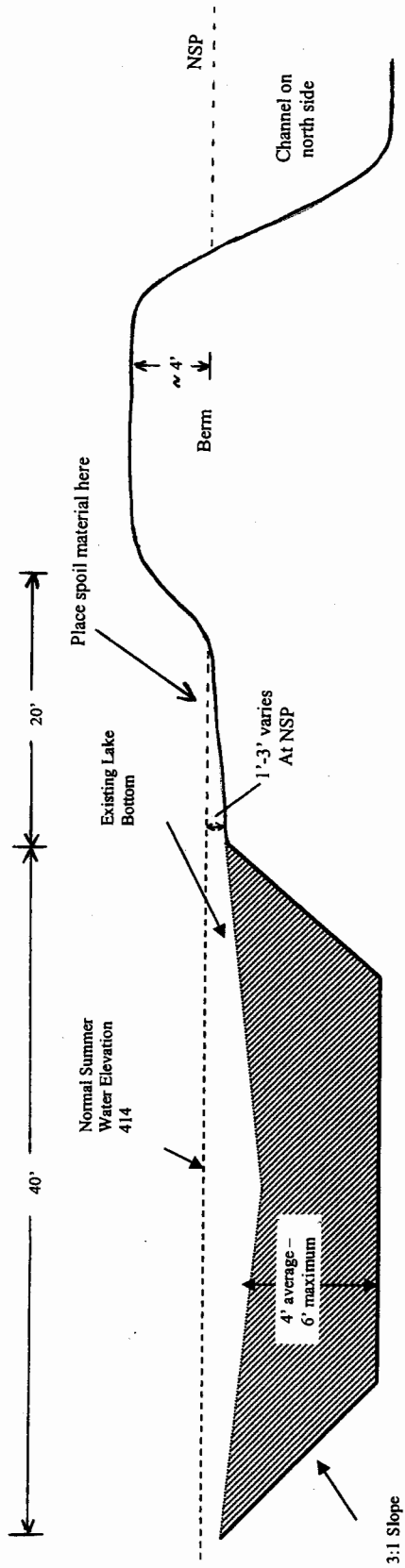
PICKWICK, TENN.-ALA.
N3500-W8807.5/7.5



DOSKIE, MISS.-TENN.
34088-H3-TF-024

YELLOW CREEK, MISS.-AL.-TENN.
N3452.5-W8807.5/7.5

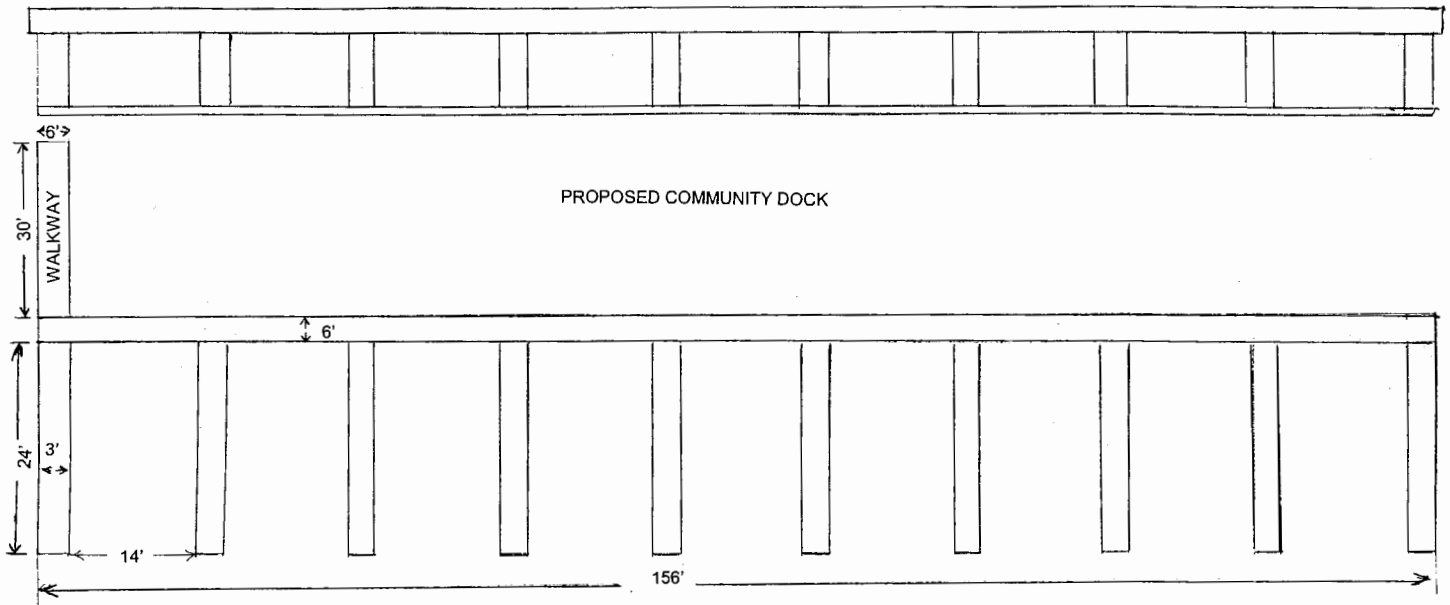
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EXHIBIT B



NOT TO SCALE

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EXHIBIT C

FRONT VIEW



SLIP VIEW

